

REMARKS

This Amendment is submitted in response to the Office Action dated June 29, 2004, having a shortened statutory period set to expire September 29, 2004. In the present office action, Claim 1 is amended, Claims 4-14 are cancelled, and Claims 15-31 are added. Claims 1-3 and 15-31 are pending.

Applicants note with appreciation the teleconference held on September 8, 2004 with the Examiner. No agreement was reached during this teleconference.

CLAIM OBJECTIONS

In Paragraph 4 of the present Office Action, Claims 1, 3, 4, 8 and 10-14 are objected to. Claims 4-14 are now cancelled. The objection to Claims 1, 3, and 4 are based on lack of clear antecedent basis for the terms "authorization" and "program." Suggested changes to Claim 1 have been made ("execution authorization" and "software program"). Applicants therefore request that these objections be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112 and 35 U.S.C. § 101

In Paragraphs 6 and 7 of the present Office Action, the Examiner has rejected, under 35 U.S.C. 112, second paragraph, Claims 4-5, 8-9 and 11-12. Similarly, in Paragraph 9 and 10, Claims 8-9, 11-12 and 13-14 are rejected under 35 U.S.C. § 101. These claims are cancelled, and thus the rejections are moot.

REJECTIONS UNDER 35 U.S.C. § 102

In Paragraph 12 of the present Office Action, Claims 1-14 are rejected under 35 U.S.C. § 102(a) as being anticipated by *Arbaugh et al.* (U.S. Patent No. 6,185,678 – "*Arbaugh*"). Applicants respectfully traverse this rejection.

Arbaugh teaches an AEGIS architecture for initializing a computer system. Software used during the initializing process (booting) is executed in subsequently higher layers. The boot process is permitted to transition to a next higher layer only if the current layer is uncorrupted (has "integrity"). (*Arbaugh* col. 1, lines 29-29.) The integrity of each layer is validated by hashing the layer, and then comparing the hash with a stored digital signature (hash) for that layer (*Arbaugh* col. 4, lines 40-45). If the layer is corrupted, then it is replaced with code from a trusted repository (*Arbaugh* col. 4, lines 48-51). An additional validation step for each layer entails running a checksum for the layer (*Arbaugh* col. 9, lines 33-39).

The cited prior art does not teach or suggest each element found in Exemplary Claim 1

It is axiomatic that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *MPEP* § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 recites "granting the execution authorization according to a preliminary verification of licensing information indicative of an authorized condition of use of the software program before completion of the bootstrap."

Arbaugh never mentions or suggests "licensing information" at all, but rather is directed to detecting and fixing software corruption. *Arbaugh* therefore does not support the anticipation rejection, and similarly would not support an obviousness rejection.

Applicants therefore respectfully request that the rejection of Claim 1 and its dependent Claims 2-3 be withdrawn.

The cited prior art does not teach or suggest each element found in Exemplary Claim 15

Newly added Claim 15 cites the feature of “before the bootstrap process is completed, requesting an authorization for a program to load on the client computer, the authorization being determined by verifying that a simplified local license certificate for the program is stored on the client computer.” *Arbaugh*, as described above, neither teaches nor suggests this feature.

While the Applicant’s Admitted Prior Art (AAPA) references (on page 2 of the specification of the present application) a licensing management system that can enable execution of a program, such enablement could only be performed in the prior art after the full operating system was operational (Applicant’s specification page 2, lines 22-24), and not “before the bootstrap process is completed” as described in base Claim 15 and supported by the specification of the present patent application.

Likewise, neither *Arbaugh* nor AAPA cite the feature of “the simplified local license certificate authorizing the loading of the program regardless of a current operating environment of the client computer” (see Applicants’ specification, page 19, lines 18-22). As noted above, *Arbaugh* teaches the unrelated method of fixing corrupted software. AAPA references a full licensing management system that “verifies whether the running of the program falls within the limits set out by the authorised conditions of use embedded in the license certificate” (see Applicants’ specification, page 2, lines 14-18), and thus is dependent on the “current operating environment of the client computer.” Thus, neither *Arbaugh* nor AAPA teach or suggest the use of a simplified local license certificate that authorizes “the loading of a program regardless of a current operating environment of the client computer” (emphasis added).

In addition, Claim 15 cites the step of "completing execution of the bootstrap and revising the simplified local license certificate according to a full license certificate stored on a server computer." Neither *Arbaugh* nor AAPA teach or suggest this feature.

CONCLUSION

As the cited prior art does not teach or suggest all of the limitations of the pending claims, Applicants respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0447**.

Respectfully submitted,



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